

### **Remarks**

Reconsideration of the application is requested in view of the modifications above and the remarks below. Claims 1-13 are pending. Claim 13 was added and Claim 4 was cancelled by this amendment. New Claim 13 is supported in the Specification at page 6, line 10 to page 6, line 9. Amendments to the Claims are also supported in the specification and the claims as originally filed and no new matter has been added. Applicants acknowledge the indication of allowable subject matter in Claim 5.

### **Consideration of the IDS**

The Office Action alleged that the IDS filed March 4, 2002 fails to comply with 37 CFR 1.98(a)(3). A supplementary IDS will be submitted separately to comply with 36 CFR 1.98(a)(3). Applicants request consideration of the German reference at that time.

### **1. Rejections Under 35 USC 112**

Claims 1 and 2 have been rejected under 35 USC 112, second paragraph as being indefinite. The rejection should be withdrawn in view of the modifications above and the remarks below.

The Office Action alleged that the term "an electro-optically active layer" of Claim 1 is unclear. A skilled person in the art would read Claim 1 in such a way that the electro-optically active layer is placed between the two transparent substrates each having an electrically conductive layer and whereof one is coated with an organic conductive polymer system. Table 1 shows 4 substrates, wherein glass and polyester are the transparent substrate materials, ITO, the electrically conductive layer, and Baytron® P, the polythiophene coating. No electro-optically active layer is part of those substrates. The electro-optically active material for the electro-optically active layer is defined as a liquid crystal (Specification p. 3, lines 29-30). In order to utilize the properties of those liquid crystals, a homogenous and smooth underlayer (substrate) is important (Specification p. 2, lines 5-8). Thus, a person skilled in the art would read the specification and claims as that the electro-optically active layer is placed between the two substrates, and therefore the

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"electro-optically active layer" of Claim 1 is not unclear. Reconsideration is requested.

The Office Action alleged that there is insufficient antecedent basis for the limitation "transparent conductive layer" of Claim 2. Claim 2 has been amended in light of the comments and the rejection is believed to be overcome. Reconsideration is requested.

The Office Action alleged that Claims 3-12 are rejected because of inherent indefiniteness of the claims from which they depend. Claims 3-12 depend either directly or indirectly from Claim 1 which as discussed has been amended and is believed to be in condition for allowance. Accordingly, Claims 3-12 are also believed to be in condition for allowance.

## 2. Objections

The Office Action objected to Claims 7 and 10. In view of the comments, Claims 7 and 10 have been amended. In Claim 7, "wherein the plastic is" has been amended to "wherein the transparent substrate comprises a plastic, wherein the plastic is." In Claim 10, the phrase "and/or chemical-resistant finish" has been amended to "at least a scratch-resistant or a chemical-resistant finish." Accordingly, in view of the modifications and remarks above, the objection is believed to be overcome.

## 3. Rejection Under 35 USC 102(e)

The Office Action rejected Claims 1-3, 6-9 and 11-12 under 35 USC 102(e) as anticipated by Jacobsen et al. The rejection should be withdrawn in view of the modifications above and remarks below.

In view of the modifications above, Applicants' invention relates to a layer arrangement comprising: at least one transparent substrate having an electrically conductive layer, an electro-optically active layer, and an additional substrate having an electrically conductive layer, wherein at least one of the two electrically conductive substrates is coated with an organic conductive polymer system based on polythiophenes.

Jacobsen et al. solely discloses a layer arrangement, wherein at least one of the two electrically conductive substrates is coated with an organic conductive

polymer system, but as correctly stated in the Office Action "does not specifically disclose that the organic conductive polymer system is a polythiophene." Accordingly, Claim 1 is not disclosed by Jacobsen et al and is believed to be allowable. Claims 2-3, 6-9 and 11-12 which depend from Claim 1 also are believed to be allowable. Reconsideration is requested.

#### 4. Rejection Under 35 USC 103

A. The Office Action rejected Claim 4 under 35 USC 103 as anticipated by Jacobsen et al in view of Fix et al. The rejection should be withdrawn in view of the modifications above and remarks below.

Claim 4 has been cancelled. Accordingly, the rejection is moot.

Further, Fix et al. discloses a layer arrangement with electro-optical properties with an organic conductive polymer system in which the polymer is polyaniline. Since Fix et al. not teach or suggest an organic conductive polymer system wherein the polymer is polythiophene, Fix et al. does not overcome the deficiencies of Jacobsen et al. or render the subject matter of the amended Claim 1 obvious. Thus, neither Jacobsen et al. nor Fix et al, alone or in combination, teach or suggest a layer arrangement as of Applicants' Claim 1 in which the organic conductive polymer system is a polythiophene.

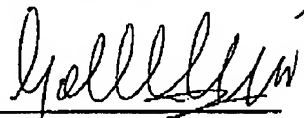
B. The Office Action rejected Claim 10 under 35 USC 103 as anticipated by Jacobsen et al. The rejection should be withdrawn in view of the modifications above and remarks below.

Claim 10 depends from Claim 1, which as discussed is believed to be allowable. Accordingly, Claim 10 is also believed to be allowable.

In view of the foregoing amendments and remarks, allowance of Claims 1-13 are earnestly requested.

Respectfully submitted,

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